

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-8 are pending in this case. Claims 1, 5, and 6 are amended by the present amendment. The changes to Claims 1, 5, and 6 are supported in the originally-filed disclosure at least at page 11, lines 27-30, page 14, lines 14-27 and page 3, lines 6-13 and, thus, add no new matter.

In the outstanding Office Action, Claim 6 was rejected under 35 U.S.C. § 102(e) as anticipated by Colley et. al. (U.S. Patent No. 6,650,644, herein "Colley"). Claims 1-5 and 7-8 were rejected under U.S.C. § 103(a) as unpatentable over Colley in view of Beshai et. al. (U.S. Pub. No. 2002/0131363, herein "Beshai").

Claim 6 is directed to a router in an IP network "comprising a control and relay unit configured to control and route at said router in accordance with first bits for implementing bandwidth control at said router stored in a first area assigned within an IP-header field of an IP packet, and second bits that indicate a path for routing the IP packet to a destination router stored in a second area also assigned within said IP-header field of the IP packet, wherein said first bits and said second bits do not interfere with each other."

The outstanding Office Action asserts that Colley teaches a router comprising a control unit for controlling the router in accordance with first bits in a first area in an IP header field in an IP packet by describing ISC bits and the router comprising the control unit for routing at the router in accordance with second bits in a second area in the IP header field in the IP packet by describing a DP bit.

Colley describes, at column 1, lines 63-67, QoS translation to address the fact that there is no current standard for communicating QoS/class of service information in IP data packets. At column 6, lines 1-12, Colley describes translating an 8-bit QoS field in an IP

header of a data packet into a 3-bit internal service class (ISC) and a 1-bit drop preference (DP) bit.

ISC and DP bits in Colley are not stored “in a first area assigned within an IP-header field of an IP packet, and...in a second area also assigned within said IP-header field of the IP packet,” as recited in Claim 6. Instead, as described in column 6, lines 1-12 of Colley, the QoS field is stored in an IP header of a data packet, and ISC and DP bits are translations of the QoS field. Thus, Colley fails to teach or suggest a first and second area within an IP-header field as recited in Claim 6, and Colley also consequently fails to teach or suggest “first bits for implementing bandwidth control...and second bits that indicate a path for routing the IP packet to a destination router,” as recited in Claim 6.

Further, a drop preference (DP) bit does not “indicate a path for routing the IP packet to a destination router” as recited in Claim 6. A drop preference bit, in conjunction with an ISC and a watermark indicator, determines when to drop a packet, as described in column 4, lines 31-35 of Colley. A drop preference bit does not “indicate a path for routing the IP packet to a destination router” because a drop preference bit may help to indicate when not to route a packet but does not indicate how to route a packet that is not dropped. Thus, Colley fails to teach or suggest second bits for routing as recited in Claim 6.

Because Colley fails to teach or suggest at least the features of Claim 6 discussed above, Applicants respectfully request that the rejection of Claim 6 under 35 U.S.C. § 102(e) be withdrawn.

Claims 7 and 8 depend from Claim 6 and are, therefore, patentable for at least the reasons discussed with respect to Claim 6. Further, Beshai, which is directed to multi-class digital networks and is cited against Claims 7 and 8, fails to cure the deficiencies discussed for Claim 6 and is not even cited in the outstanding Office Action as including the features of

Claim 6 asserted to be in Colley. Thus, Applicants respectfully request that the rejection of Claims 7 and 8 under 35 U.S.C. 103(a) be withdrawn.

Claim 1 is directed to a QoS controller and includes “a storing unit configured to assign a first bit area and a second bit area within a field in an IP header of an IP packet, and store first bits for implementing bandwidth control at said routers into said first bit area and second bits that indicate a path for routing the IP packet to a destination router into said second bit area, wherein said first bits and said second bits do not interfere with each other; and a reporting unit configured to report to said routers said first bits and said second bits stored by said storing unit.”

The outstanding Office Action asserts that Colley teaches all the features of Claim 1 except the reporting unit, which it asserts that Beshai teaches.

As discussed with respect to Claim 6, Colley fails to teach or suggest “a first bit area and a second bit area within a field in an IP header of an IP packet” as recited in Claim 1. Instead, Colley describes a QoS field in the IP header. Further, as also discussed above, Colley fails to teach or suggest “second bits that indicate a path for routing the IP packet to a destination router” because the DP bit of Colley, asserted in the outstanding Office Action as the routing bit, only helps to determine if a packet should be dropped rather than controlling the routing at the router as recited in Claim 1.

Beshai fails to cure the deficiencies of Colley and is not even cited in the outstanding Office Action as teaching the features of Claim 1 discussed above. Thus, Applicants respectfully request that the rejection of Claim 1 and Claims 2-4, which depend therefrom, under 35 U.S.C. § 103(a) be withdrawn.

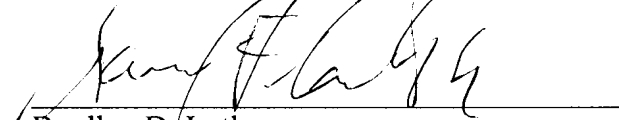
Claim 5 is directed to a method of controlling QoS and includes features that are analogous to those recited in Claim 1.

Thus, based on the discussion with respect to Claim 1, Applicants respectfully request that the rejection of Claim 5 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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